

MAINE STATE LEGISLATURE

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STATE OF MAINE (Filing No. H-1132)
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 2055, L.D. 2119, Bill,
"AN ACT to Revise Maine's Aeronautics Laws."

Amend the Bill by striking out all of section 7 and
inserting in its place the following:

'Sec. 7. 6 MRSA §3, sub-§§10-A, 10-B and 10-C, are enacted
to read:

10-A. Antique aircraft. "Antique aircraft" means an
aircraft in excess of 30 years of age which is flown only for
purposes of demonstration and show.

10-B. Basing aircraft. "Basing aircraft" means storing,
parking, tying down or mooring aircraft in Maine for more than
30 consecutive calendar days.

10-C. Bureau of Aeronautics. "Bureau of Aeronautics"
means a bureau under the Department of Transportation charged
with the responsibility, as determined by the commissioner, of
implementing this Title.'

Further amend the Bill in section 9 by striking out all
of the amending clause and inserting in its place the following:

'Sec. 9. 6 MRSA §3, sub-§§18-B to 18-E are enacted to read:'

Further amend the Bill in section 9 by inserting after the
amending clause the following:

'18-B. Commercial seaplane landing area. "Commercial
seaplane landing area". means any inland body of water or

ice which is used for air commerce and at which there are no facilities for the shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.'

Further amend the Bill in section 9 by renumbering subsections 18-B to 18-D to be subsections 18-C to 18-E.

Further amend the Bill in section 11 by striking out everything after the amending clause and inserting in its place the following:

'19-A. Federal air regulations. "Federal air regulations" means the regulations of the ~~Civil-Aeronautics-Board~~ Federal Aviation Administration issued under the authority of the ~~"Civil Aeronautics-Act-of-1938,"~~ "Federal Aviation Act of 1958," as amended, or any federal regulations superseding those issued under the authority of ~~that~~ the Act.'

Further amend the Bill in section 32 in that part designated "§52." by striking out all of subsection 1 and inserting in its place the following:

'1. Registration of aircraft.

A. All resident aircraft owners basing aircraft in this State, unless exempted, shall register their aircraft with the director.

B. The director is authorized to issue registration certificates and decals for all civil aircraft based in this State. A state registration certificate shall be valid from the date of issuance through the 30th day of April of the next calendar year. This certificate shall not be transferable except with the prior written approval of the director.

C. All civil aircraft based in this State shall, upon registration, be issued a current registration certificate and license decal or an aircraft dealer's registration and decal to be displayed on the aircraft at all times in the manner prescribed.

D. No person shall operate an aircraft in this State without a current license decal or aircraft dealer's registration certificate and decal attached to the aircraft, unless exempt.

E. All newly purchased aircraft shall be registered in this State within 10 days.

F. No aircraft shall be registered until the state sales tax and excise tax have been paid or sufficient proof has been shown that the owner is tax exempt.'

Further amend the Bill in section 32 in that part designated "§52." in subsection 2 by striking out all of paragraph A and inserting in its place the following:

'A. A fee of \$10 shall be paid to the director for each aircraft registration.'

Further amend the Bill in section 32 in that part designated "§52." in subsection 2 by striking out all of paragraph C and inserting in its place the following:

'C. Nonresidents who own^{an} aircraft which is used for compensation or hire within this State and which is based in Maine shall register the aircraft with the director and pay a fee of \$50 for each registration. An excise tax of

1/12 of the total value shall be charged for each month or fraction thereof that the aircraft remains in the State.'

Further amend the Bill in section 32 in that part designated "§52." in subsection 3 by striking out all of subparagraphs (3), (4) and (5) and inserting in their place the following:

'(3) An aircraft owned by a nonresident not for hire which is based in the State for less than 30 consecutive days in any one calendar year, or is registered in another state or foreign country;

(4) An aircraft not registered because it was in storage or was being repaired, provided that the owner has received approval for exemption from the director; and

(5) All aircraft registered in accordance with section 53.'

Further amend the Bill in section 33 in that part designated "§101." in subsection 1, paragraph B by striking out all of the last underlined sentence and inserting in its place the following: 'The commissioner may request the Federal Aviation Administration to waive any requirement of Federal Air Regulation, Part 139.'

Further amend the Bill in section 33 in that part designated "§103." in subsection 2 by striking out all of paragraph A and inserting in its place the following:

'A. A commercial seaplane base shall be deemed to be a commercial airport as defined in section 3, subsection 18-A, except that a commercial seaplane landing area shall not be considered to be a commercial seaplane base. The Commissioner

of Transportation shall make rules and regulations pertaining to the use and operation of commercial seaplane landing areas. These rules and regulations shall include provisions concerning the safety of seaplane landing areas, the type of aircraft authorized to use the landing areas and the impact of commercial service on the area.'

Further amend the Bill in section 48 in that part designated "§303." by striking out all of the first underlined sentence.

Further amend the Bill by inserting at the end before the Statement of Fact the following:

'Sec. 49. 36 MRSA §1482, sub-§1, ¶A, as amended by PL 1965, c. 378, is repealed and the following enacted in its place:

A. For the privilege of operating aircraft within the State, each heavier and lighter than air aircraft so operated and owned or controlled by a resident of this State, or a nonresident operating for compensation or hire within this State and required to register under Title 6, shall be subject to such excise tax as follows: A sum equal to 9 mills on each dollar of the maker's average equipped price for the first or current year of model; 7 mills for the 2nd year; 5 mills for the 3rd year; 4 mills for the 4th year; and 3 mills for the 5th and succeeding years. The minimum tax shall be \$10. Nonresidents of this State who operate aircraft within this State for compensation or hire shall pay 1/12 of the total excise tax as required in this subsection for each calendar month or fraction thereof that the aircraft remains in the State.

Sec. 50. 36 MRSA §1483, sub-§4, is amended to read:

4. Dealers or manufacturers. Vehicles owned by bona fide dealers or manufacturers of the vehicles, which vehicles are held solely for demonstration and sale and constitute stock in trade, and aircraft registered in accordance with Title 6, section 53;

Sec. 51. 36 MRSA §1483, sub-§14, is enacted to read:

14. Antique and experimental aircraft. Antique and experimental aircraft as defined in Title 6, section 3, subsection 10-A and subsection 18-E and registered according to the provisions of Title 6.'

Statement of Fact

The purpose of this amendment is to provide more effective enforcement of Maine's ~~A~~eronautics laws. The amendment provides that any aircraft based in Maine for more than 30 consecutive days shall be registered in Maine. This provision will remove the present requirement that necessitates apprehending the owner while he is operating an unregistered aircraft in order to find the owner in violation of the law. This requirement is impossible to enforce and the result has been that of the total number of all Maine aircraft registered with the ~~f~~ederal ~~g~~overnment, only 60 percent is registered with the Maine Department of Transportation.

This amendment also revises the relationship between ~~F~~ederal aviation standards and regulations and ~~s~~tate standards and regulations to make them compatible.

The excise tax levied upon aircraft has been revised. At the present time, the excise tax mill rate applied to aircraft ranges from 13 mills in the first year to 3 mills in the 6th and succeeding years. The amendment establishes the mill rate at 9 mills in the first year to 3 mills in the 5th and succeeding years. Revision of the excise tax is not expected to reduce aircraft excise tax revenues because the number of aircraft owners paying the excise tax will be substantially increased.

This amendment also revises the provisions in the bill pertaining to air search and rescue operations to be in compliance with the procedure of the Civil Air Patrol.

Reported by the Committee on Transportation.

Reproduced and distributed under the direction of the Clerk of the House.
3/9/78

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